

REMARKS

Claims 1, 11 and 12 were pending and examined in the outstanding Office Action. Claims 4, 5, 7-9, 13 and 14 were withdrawn as being drawn to a non-elected invention. By virtue of the instant Amendment and Reply, claim 1 is amended, no new claims are added, and no claims are canceled. Accordingly, claims 1, 11 and 12 remain pending. No new matter is added herein.

Claim Amendments

Without addressing the patentability of claim 1 as previously presented in view of the cited references, and without addressing the relevancy (if any) of the references, and merely to streamline prosecution of the present application, clarifying amendments have been made to claim 1. Support for the amendments can be found throughout the instant application and specifically in original claims 1-14 and the Figures, *see, e.g.*, FIGS. 1, 3, 4, 5, 7-18, as well as throughout the specification and specifically at least at paragraphs [00118] – [00124], [00127] – [00129], [00132] – [00136], [00139], etc.

Specification

Applicant respectfully thanks the Examiner for withdrawing the Objection to the Specification. However, to make the record clear, Applicant requests the Examiner confirm the specification under examination is the Substitute Specification submitted on June 1, 2006.

Claim Rejections Under 35 USC §102

Claim 1 is rejected under 35 USC §102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0029985 to Stunnell. Applicant respectfully disagrees and traverses the instant rejection.

Stunnell is directed to a storing and mixing container and method for separately depositing and storing a first substance and a second substance in separate chambers and for mixing the substances together at the time of use by breaking the barrier between the separate chambers. *See* Stunnell at Abstract.

Claim 1, as amended herein, includes, *inter alia*, a multi-chamber container that accommodates a plurality of agents, comprising: an outer container body with an inner container body disposed therein, the inner container body including a plurality of filling chambers to fill agents.

Applicant submits that Stunnell fails to disclose or suggest the instantly claimed multi-chamber container. Specifically, Stunnell fails to disclose or even suggest, *inter alia*, an outer container body with an inner container body disposed therein, the inner container body including a plurality of filling chambers to fill agents.

In contrast to the instantly claimed multi-chamber container, Stunnell describes a bent container (1) with an applicator cap (13) closure at one end, a permanent crimp seal (18) at the opposite end and two chambers (10 and 11) separated by a breakable interior seal (15). Stunnell at para. [0056]. Squeezing the unbent container (1) causes the breakable interior seal (15) to break and the first substance (22) and the second substance (23) to interact. The user of the container (1) will preferably shake the container to facilitate mixing of the contents. Stunnell at para. [0062]. *See also* FIGS. 1-7 and 11-17 of Stunnell, which illustrate that the container of Stunnell is a single container with no partition (FIGS. 2, 3, 12 and 13) or a single container partitioned into two chambers (FIGS. 1, 4-7, 11 and 14-17). The single container is partitioned into two chambers by a breakable interior seal. Stunnell at para. [0056]. Stunnell does not, however, disclose or suggest a multi-chamber container having an outer container body with an inner container body disposed therein, the inner container body including a plurality of filling chambers to fill agents.

Since Stunnell is seen to simply disclose a single container having an interior barrier seal that separates a top portion of the container from the bottom portion of the container, Applicant submits that Stunnell does not disclose or suggest the instantly claimed multi-chamber container having an outer container body and an inner container body. Accordingly, the instant claims are not anticipated by, nor rendered obvious over, Stunnell. Applicant therefore respectfully requests withdrawal of the instant rejection.

Claim Rejections under 35 USC §103

Claims 11 and 12 are rejected under 35 USC §103(a) as allegedly being unpatentable over Stunnell as applied to claim 10 above and further in view of U.S. Patent Application Publication No. 2004/0188281 to Iwasa et al. Applicant respectfully submits the reference to claim 10 in the Office Action is a typographical error since claim 10 is canceled. Accordingly, Applicant understands this rejection as referring to claim 1. If Applicant is mistaken, the Examiner is requested to advise the Applicant accordingly.

Regarding claim 11, the Examiner alleges that “Stunnell discloses the claimed invention except a caution member to check opening between the filling chambers. Iwasa et al. teaches a caution member [352, fig 12]. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Stunnell’s container with a caution member as taught by Iwasa. . . .” Office Action at p. 4. Regarding claim 12, the Examiner alleges “Stunnell modified in view of Iwasa discloses the caution member is attached to near the communication portion [3, fig 12], so that the caution member drops by expanding [when one chamber of the container is squeezed it will expand the sealed area between the two chambers of the closed container, para 0066] the folded multi-chamber container in the use mode of the multi-chamber container.” *Id.* Applicant respectfully disagrees and traverses the instant rejection.

Stunnell is discussed in detail above. Iwasa et al. is directed to a medicine bag used in the medical field or the like. Specifically, the medicine bag of Iwasa et al. is used by providing a weak seal portion that divides its bag body into a plurality of division spaces, removing the sealing of the weak seal portion adjacent to a specific division space by increasing the internal pressure of that division space and mixing a medicine stored in a predetermined division space. Iwasa et al. at para. [0002].

Iwasa et al. does not remedy the lack of disclosure of Stunnell since Iwasa et al. fails to disclose or suggest a multi-chamber container as instantly claimed having, *inter alia*, an outer container body with an inner container body disposed therein, the inner container body including a plurality of filling chambers to fill agents. Accordingly, since claims 11 and 12 depend on claim 1, for the reasons discussed above with respect to claim 1, claims 11 and 12 are not rendered obvious by Stunnell, Iwasa et al., or any combination thereof. Therefore, Applicant respectfully requests reconsideration and withdrawal of the instant rejection.

Should the Examiner have any questions regarding this Amendment and Reply, Applicant respectfully requests that the Examiner contact Applicant's representative at the phone number listed below. While Applicant believes that no fees are due with the submission of this Amendment and Reply, please charge any deficiencies in fees to Deposit Account No. 503342.

Respectfully submitted,

By /Richard R. Michaud/
Richard R. Michaud
Registration No. 40,088
Attorney for Applicant

Michaud-Kinney Group LLP
306 Industrial Park Road, Suite 206
Middletown, CT 06457-1532
Tel: (860) 632-7200
Fax: (860) 632-8269